

REMARKS

The Non Final Office Action mailed June 3, 2008 has been reviewed and carefully considered. Reconsideration of the above-identified application in view of the following remarks, is respectfully requested.

Claims 1-13 are pending in this application. Claims 1-13 have been amended in part to provide further clarification, to correct formatting issues and to put the claims in compliance with U.S. patent practice. No new matter has been added by the amendments.

§102 REJECTIONS

Claims 1-13 were rejected under 35 U.S.C. §102(e) as being unpatentable over U.S. Patent No. 6,865,555 to Novak. (hereinafter “Novak”). Applicant respectfully disagrees with the rejection.

The present invention, as claimed, involves a system having at least two terminals (claimed as “a main terminal” and “at least one secondary terminal”). That is, in order for the conditional access content reception system to work, the present invention requires at least two terminals, one of which further includes a pairing and pairing verification modules. Each of the two terminals may comprise set top boxes or decoders. Furthermore, it is significant to note that each of the main and secondary terminals in the present invention comprises its *own* means for checking its access authorization, e.g., by using a smart card. *See* specification, page 4, lines 12-15 and lines 19-21 and 28-31, reciting:

“[A]s it is necessary to pay to access the content 10, viewing it requires interconnection of the **access terminals 14, 16 such as the decoders**, between each

television 12 and a shared network 18 for distributing the content 10. One of these access terminals will be called the main terminal 14.”

“The main terminal 14 comprises a unit 20 for processing the content. This unit processes the content 10 in a manner which is known per se so as to allow it to be viewed on the television 12.”

“The main terminal 14 likewise comprises a module 22 for checking the authorization to access the content 10. This checking module 22 compares the user’s access rights, which are stored on a smart card inserted into the terminal, for example, with information from the content 10 in order to determine whether the user can access the content. ... “

“The other terminals 16 are called secondary terminals. These terminals 16 likewise each comprise a content processing unit 20 which is identical to that of the main terminal 14 and also a module 22 for checking the authorization to access the content 10, which resembles that which the main terminal 14 contains. However, they also comprise pairing and pairing verification modules 25.”

[emphasis added]

The present invention relies on an exchange of information (a pairing verification) between at least two terminals (e.g., between a secondary and a main terminal) in order for content to be accessed. That is, a local area network links each secondary terminal to the main terminal so as to allow the exchange of information which regularly ensures that the secondary terminals, for which the additional cost to the user is marginal, are actually being used within the home. *See* specification, page 5, lines 1-4. The present invention involves checking the access by the secondary terminal to the content by verifying the pairing between the secondary access terminal and the main terminal and not authorizing access to the content by the secondary terminal unless the verification is positive. This advantageously allows regular verification that the secondary terminal is being used permanently within the limits of the local area network and is not being used wrongfully outside the user’s home, and permits using, e.g., two decoders within a single household while paying a reduced fee (i.e. less than two subscriptions). *See* specification, page 6,

lines 11-20.

Novak teaches a system for providing conditional access to digital content. Novak's system appears to be designed to allow a user to access the digital content from any terminal. Conditional access is facilitated by each set top box accessing a verification entity via a network connection. Novak's set top box establishes the user's identity with the verification entity by reading identity credentials from a smart card. Therefore, the verification system of Novak simply involves a STB connected to a smart card reader, which interacts with the user's smart card for authentication purposes.

However, Novak fails to disclose or suggest at least two terminals, **each for accessing conditional access content**, namely, a main terminal and at least one secondary terminal, each terminal comprising **means for checking its own authorization to access the content**, wherein each of the terminals also comprises pairing and pairing verification means and wherein the system comprises means for exchanging information between the main terminal and each secondary terminal for the purpose of implementing the pairing and the verification of the pairing between said secondary terminal and the main terminal, essentially as claimed in claim 1.

Furthermore, Novak fails to disclose or suggest at least an access terminal for accessing to a conditional access content comprising means for pairing with a main access terminal enabled to access the conditional access content for the purpose of authorizing said access terminal to access the content only if it is connected to and able to exchange information with said main terminal, essentially as claimed in claim 7.

Novak further fails to disclose or suggest at least a main terminal for accessing to a conditional access content comprising means for pairing with at least one secondary

access terminal configured for accessing the conditional access content through exchange of information with said secondary terminal, essentially as claimed in claim 10.

Applicant respectfully asserts that the Examiner's allegation in the Office Action that Novak's STB 102 may be construed as our main terminal and Novak's smart card reader 305 may be construed as our secondary terminal, is incorrect. Whereas in the present invention, the main terminal and the secondary terminal comprise two similar terminals (i.e., from a functionality point of view, in that both may be enabled to **individually** access the content), Novak's cited devices (its STB and smart card reader) are completely different in function. Namely, while Novak's set top box (the alleged "main terminal", as cited by the Examiner) might be enabled to access the digital content which is verified, it is clear that the alleged "secondary terminal" of Novak, i.e., the cited 'smart card reader 305', is NOT enabled to access the digital content whatsoever. Clearly, the smart card reader has no functionality to itself access digital content.

In particular, please note:

- Novak's smart card reader does not comprise any means, ability or need for independently checking its own authorization for access to the content. Even assuming *arguendo*, that it did, then Novak's STB lacks this functionality. Indeed, as noted above, the smart card reader lacks any ability for independently accessing the content at all.

- Novak does not teach any pairing or pairing verification between the STB and the smart card reader. In fact, there is no need for such a function between them, as it is immaterial whether it is really a specific smart card reader and not

another that is used; what is important is the information stored on the smart card.

Clearly, the smart card reader is simply a means to process that information.

To reiterate, Novak's smart card reader is used to read information stored on the smart card. The smart card reader may read identification credentials in order to authenticate the user for viewing requested digital content. (col. 8, lines 53-65). Note that it is likely that it is Novak's STB that actually performs the authentication, while the smart card reader merely acts as a simple interface.

Accordingly, it is respectfully asserted that independent Claims 1, 7 and 10 are patentably distinct and non-obvious over Novak for at least the reasons set forth above. Claims 2-6, 13; 8-9 and 11-12 depend from claims 1, 7 and 10, respectively. The dependent claims include the limitations of their respective independent claims and are therefore believed to be patentable and nonobvious for at least the reasons stated for claims 1, 7 and 10.

It is therefore respectfully submitted that the present invention is not disclosed or suggested by the cited references taken alone or in combination. Claims 1-13 are believed to be in condition for allowance for at least the reasons stated above. Early and favorable reconsideration of the case is respectfully requested.

CONCLUSION

In view of the foregoing, Applicant respectfully requests that the rejections of the claims set forth in the Non Final Office Action of June 3, 2008 be withdrawn, that pending Claims 1-13 be allowed, and that the case proceed to early issuance of Letters Patent in due course.

Applicants request a one-month extension under 37 C.F.R. 1.136(a) to file this response. The fee for this extension is being paid for using EFS-Web at the same time this paper is being submitted. If any additional fees or charges are required at this time in connection with the application, they may be charged to applicant's representatives Deposit Account No. 07-0832

Respectfully submitted,

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By: /Joel M. Fogelson/
Joel M. Fogelson
Registration No. 43,613
609-734-6809

Mailing Address:

**THOMSON LICENSING INC.
PATENT OPERATIONS
P.O. BOX 5312
PRINCETON, NJ 08543-5312**